

ORDINANCE NO. 2021-17

An Ordinance to Rezone a Portion of 281.817 +/- Acres East of State Route 104 Within the Village of Commercial Point, Ohio from General Commercial (GC) to Limited Manufacturing (LM).

WHEREAS, K-Nova LLC (the "Petitioner") filed a Zoning Certificate Application with the Village of Commercial Point on March 31, 2021 re-zone approximately 281.817 acres within the Village of Commercial Point from General Commercial and Low Density Residential (R-3) to Limited Manufacturing pursuant to Chapter 1111 of the Zoning Code of the Village of Commercial Point; and

WHEREAS, the Village provided the required public notice as described in Chapter 713 of the Ohio Revised Code; and

WHEREAS, the Village of Commercial Point held a public hearing on May 17, 2021 to hear comments on this proposed zoning request pursuant to Ohio Revised Code Section 713.12; and

WHEREAS, the Village Council must approve, disapprove, or adopt the proposed amendment to the Zoning Map of the Village of Commercial Point within forty-five (45) calendar days of the public hearing held on May 17, 2021; and

WHEREAS, portions of the K-Nova property are presently zoned as a General Commercial District pursuant to Chapter 1167 of the Zoning Code of the Village of Commercial Point;

WHEREAS, portions of the K-Nova property are presently zoned as a Low Density Residential District (R-3) pursuant to Chapter 1157 of the Zoning Code of the Village of Commercial Point;

WHEREAS, the Council of the Village of Commercial Point has determined it to be in the best interest of the Village of Commercial Point, in order to maintain the residential character of most of the property west of State Route 104, that the zoning classification of only a portion of the property in the Village of Commercial Point that is the subject of Petitioner's re-zoning application be established as a Limited Manufacturing District (LM) pursuant to Chapter 1171 of the Zoning Code of the Village of Commercial Point and, therefore, the Village Council has determined to approve the Petitioner's request to re-zone 281.817 +/- Acres within the Village of Commercial Point only as to the portion of said property that is located to the east of State Route 104.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, OHIO THAT:

SECTION 1. The property containing 281.817 +/- acres, which is more particularly described on the attached Exhibit A, incorporated herein by reference, is hereby designated as a Limited Manufacturing District (LM) only as to that portion of property located to the east side of State Route 104. The remainder of the property, which is located to the west side of State Route 104, shall retain its current zoning classification, namely Low Density Residential District (R-3) and General Commercial District (GC). Accordingly, the application of Petitioner is approved in part, and denied in part. The application is approved as to the property located to the east of State Route 104, and denied as to the property located to the west of State Route 104.

SECTION 2. The Village Council has considered the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point and has determined that those factors weigh in favor of rezoning the property described in Exhibit A that is located to the east of State Route 104 from General Commercial District (GC) to Limited Manufacturing District (LM). The Village Council, after considering the factors described in Section 1111.03 of the Zoning Code of the Village of Commercial Point, has determined and gives significant weight to the fact that the proposed amendment is incompatible with adjacent land use and appropriate plans for the area and does not comport with a positive relationship to public health, safety, convenience, comfort, prosperity, and general welfare.

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SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any other committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance shall take effect and be in force from and after the earliest date allowed by law.

Vote on Passage of the Ordinance:

Motion by: Nancy Geiger

2nd: Tracy Joiner

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

Yes Laura Wolfe

Adopted this 21st day of June, 2021.


Allan D. Goldhardt, Mayor


Wendy Hastings, Fiscal Officer

Approved as to Form:



Joshua Cartee, Village Solicitor

Exhibit A

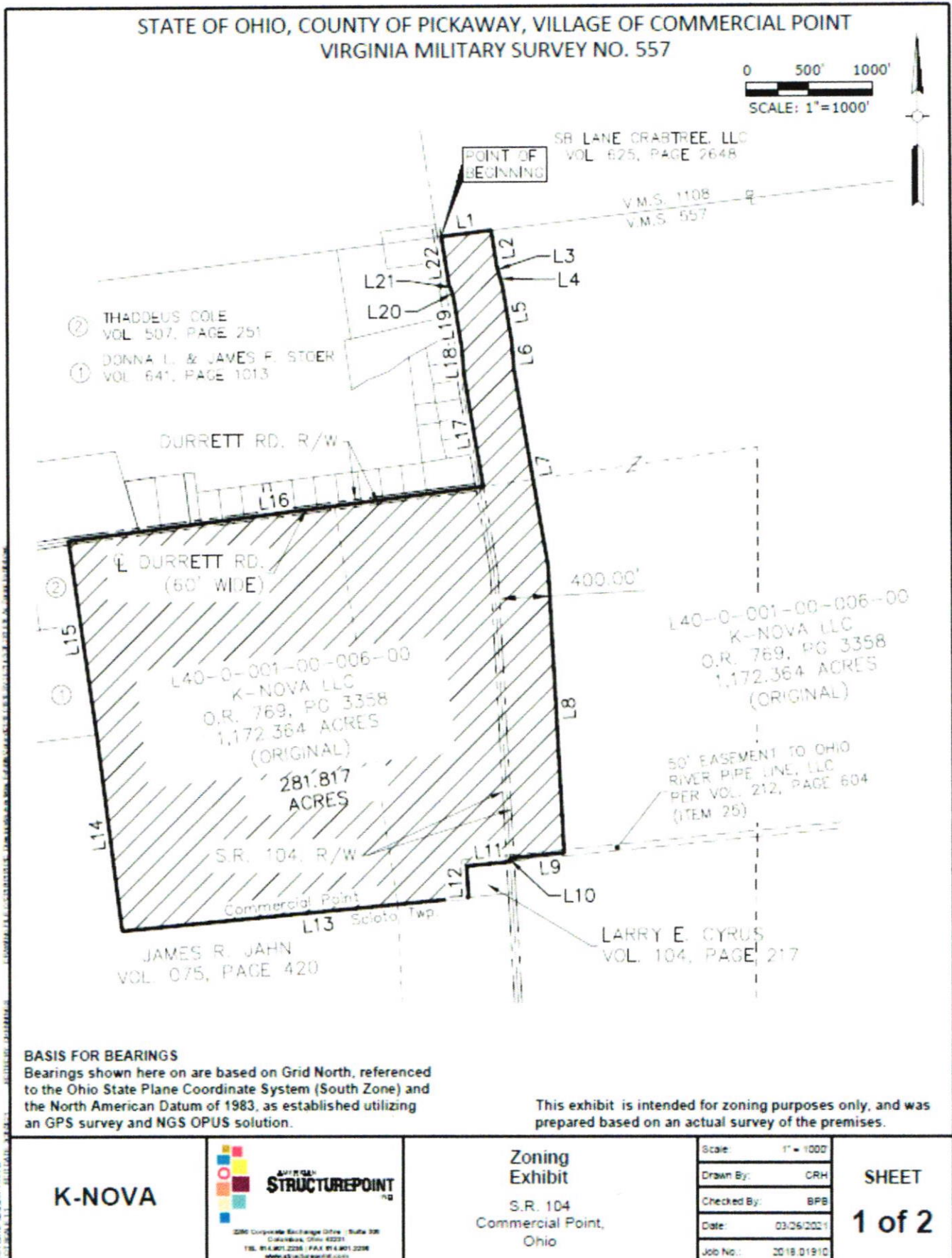


Exhibit A (continued)

**STATE OF OHIO, COUNTY OF PICKAWAY, VILLAGE OF COMMERCIAL POINT
VIRGINIA MILITARY SURVEY NO. 557**

Line Table		
Line #	Length	Direction
L1	400.25	N83° 15' 59"E
L2	315.00	S08° 45' 52"E
L3	4.54	S27° 13' 55"E
L4	139.48	S16° 23' 30"E
L5	440.64	S08° 59' 25"E
L6	223.88	S04° 36' 22"E
L7	1574.44	S09° 32' 14"E
L8	2287.96	S03° 00' 23"E
L9	430.41	S84° 29' 23"W
L10	28.00	S03° 00' 23"E
L11	349.21	S84° 38' 49"W

Line Table		
Line #	Length	Direction
L12	251.02	S03° 13' 11"E
L13	2766.40	S84° 38' 36"W
L14	1575.33	N07° 09' 03"W
L15	1558.16	N08° 08' 39"W
L16	3327.05	N82° 49' 20"E
L17	890.02	N09° 32' 14"W
L18	225.79	N04° 36' 22"W
L19	399.46	N08° 59' 25"W
L20	75.66	N16° 23' 30"W
L21	31.62	N27° 13' 55"W
L22	394.21	N08° 45' 52"W

BASIS FOR BEARINGS

Bearings shown here on are based on Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983, as established utilizing an GPS survey and NGS OPUS solution.

This exhibit is intended for zoning purposes only, and was prepared based on an actual survey of the premises.

K-NOVA



**Zoning
Exhibit**

S.R. 104
Commercial Point,
Ohio

Scale:	1" = 1000'
Drawn By:	CRH
Checked By:	BPB
Date:	03/26/2021
Job No.:	2018.01910

**SHEET
2 of 2**

Exhibit A (continued)

DESCRIPTION OF 281.817 ACRES FOR ZONING PURPOSES

Situated in the State of Ohio, County of Pickaway, Village of Commercial Point, being located in V.M.S. Survey No. 557, and being part of that 1,172.364 (original) acre tract, described in a deed to K-NOVA LLC, of record in Official Record 769, Page 3358, all records referenced herein are on file at the Office of the Recorder for Pickaway County, Ohio, and being further bounded and described as follows:

BEGINNING at the intersection of the east right-of-way line for State Route 104 and the north line of said 1,172.364 (original) acre tract, being on the south line of that tract of land described in a deed to SB Lane Crabtree, LLC of record in Official Record 625, Page 2648;

Thence **North 83 degrees 15 minutes 59 seconds East**, along the north line of said 1,172.364 (original) acre tract along the south line of said SB Crabtree tract, a distance of **400.25 feet** to a point;

Thence across said 1,172.364 (original) acre tract along the following ten (10) described courses:

1. **South 08 degrees 45 minutes 52 seconds East**, a distance of **315.00 feet** to a point;
2. **South 27 degrees 13 minutes 55 seconds East**, a distance of **4.54 feet** to a point;
3. **South 16 degrees 23 minutes 30 seconds East**, a distance of **139.48 feet** to a point;
4. **South 08 degrees 59 minutes 25 seconds East**, a distance of **440.64 feet** to a point;
5. **South 04 degrees 36 minutes 22 seconds East**, a distance of **223.88 feet** to a point;
6. **South 09 degrees 32 minutes 14 seconds East**, a distance of **1,574.44 feet** to a point;
7. **South 03 degrees 00 minutes 23 seconds East**, a distance of **2,287.96 feet** to a point;
8. **South 84 degrees 29 minutes 23 seconds West**, a distance of **430.41 feet** to a point on the centerline of said State Route 104;
9. **South 03 degree 00 minutes 23 seconds East**, along the centerline of said State Route 104, a distance of **28.00 feet** to a southwest corner of said 1,172.364 (original) acre tract, being the northeast corner of that tract conveyed to Larry E. Cyrus, of record in Volume 104, Page 217;

Exhibit A (continued)

Thence **South 84 degrees 38 minutes 49 seconds West**, along a south line of said 1,172.364 (original) acre tract, along the north line of said Cyrus tract, a distance of **349.21 feet** to a southeast corner of said 1,172.364 (original) acre tract, being the northwest corner of said Cyrus tract;

Thence **South 03 degrees 13 minutes 11 seconds East**, along an east line of said 1,172.364 (original) acre tract, along the west line of said Cyrus tract, a distance of **251.02 feet** to a southeast corner of said 1,172.364 (original) acre tract, being the southwest corner of said Cyrus tract, and being on the north line of a tract of land conveyed to James R. Jahn, of record in Volume 75, Page 420;

Thence **South 84 degrees 38 minutes 36 seconds West**, along a south line of said 1,172.364 (original) acre tract, along a north line of said Jahn tract, a distance of **2,766.40 feet** to a southwest corner of said 1,172.364 acre tract, being a northeast corner of said Jahn tract;

Thence **North 07 degrees 09 minutes 03 seconds West**, along the west line of said 1,172.364 (original) acre tract, along an east line of said Jahn tract, a distance of **1,575.33 feet** to an angle point, being a northeast corner of said Jahn tract, and being the southeast corner of a tract of land conveyed to Donna L. and James F. Stoer, of record in Volume 641, Page 1013;

Thence **North 08 degrees 08 minutes 39 seconds West**, continuing along the east line of said 1,172.364 (original) acre tract, along the east line of said Stoer tract, and along the east line of a tract of land conveyed to Thaddeus Cole, of record in Volume 507, Page 251, a distance of **1,558.16 feet** to the northwest corner of said 1,172.364 (original) acre tract, being the northeast corner of said Cole tract, and being on the centerline of Durrett Road;

Thence **North 82 degrees 49 minutes 20 seconds East**, along a north line of said 1,172.364 (original) acre tract, along the centerline of said Durrett Road and its easterly extension, (passing the centerline of said State Route 104 and crossing into said 1,172.364 acre tract at a distance of 3,297.02 feet), a total distance of **3,327.05 feet** to a point on the east right-of-way line for said State Route 104;

Thence continuing across said 1,172.364 (original) acre tract, along the existing easterly right-of-way line for State Route 104 along the following six (6) described courses:

1. **North 09 degrees 32 minutes 14 seconds West**, a distance of **890.02 feet** to a point;
2. **North 04 degrees 36 minutes 22 seconds West**, a distance of **225.79 feet** to a point;
3. **North 08 degrees 59 minutes 25 seconds West**, a distance of **399.46 feet** to a point;

Exhibit A (continued)

4. North 16 degrees 23 minutes 30 seconds West, a distance of 75.66 feet to a point;
5. North 27 degrees 13 minutes 55 seconds West, a distance of 31.62 feet to a point;
6. North 08 degrees 45 minutes 52 seconds West, a distance of 394.21 feet to the POINT OF BEGINNING for this description.

The above description contains a total of **281.817** acres within Pickaway County Auditor's Parcel Number L40-0-001-00-006-00.

Bearings described herein are based on Grid North, referenced to the Ohio State Plane Coordinate system (South Zone) and the North American Datum of 1983, as established utilizing a GPS survey and NGS OPUS solution.

This description is intended for zoning purposes only.